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EXAMINER

MCALEENAN, JAMES M

ART UNIT PAPER NUMBER

3745

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,258

Applicant(s)

STURGELL, BRENT J.

Examiner

James M McAleenan

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by either Kim (U.S. Patent Number 5,213,595) (See Figure 2 and Col. 2, lines 60-61 and Col. 3, lines 58-65 of Kim) or Cann et al. (U.S. Patent Number 3,803,690) (See Figures 1, 4-5 and Col. 1, lines 64-68 and Col. 2, lines 3-40 of Cann et al.). Kim and Cann et al. disclose a blower fan housing assembly having an singular upper housing with sloping rear, top and front (See Figure 2 and Col. 2, lines 60-61 and Col. 3, lines 54-60 of Kim) (See Figures 1, 4-5 and Col. 1, lines 64-68 and Col. 2, lines 3-27 of Cann et al.). Kim and Cann et al. disclose a first side wall fixed to the upper housing, wherein the first side wall engages an isolation unit. Kim and Cann et al. disclose a second side wall fixed to the upper housing, wherein the second side wall engages an isolation unit (See Figure 2 and Col. 2, lines 60-61 and Col. 3, lines 54-60 of Kim) (See Figures 1, 4-5 and Col. 1, lines 64-68 and Col. 2, lines 3-27 of Cann et al.). Regarding claim 3, Kim and Cann et al. disclose a first isolation unit identical to the second isolation unit (80) (See Figure 2 and Col. 2, lines 60-61 and Col. 3, lines 54-60 of Kim) (25) (See Figures 1, 4-5 and Col. 1, lines 64-68 and Col. 2, lines 3-27 of Cann et al.). Regarding claim 5, Kim and Cann et al. disclose the first isolation unit incorporates a compressible material to reduce vibration (80) (See Figure 2 and

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Col. 2, lines 60-61 and Col. 3, lines 54-60 of Kim) (25) (See Figures 1, 4-5 and Col. 1, lines 64-68 and Col. 2, lines 3-27 of Cann et al.). Regarding claim 6, Kim and Cann et al. disclose the compressible material being rubber. Regarding claim 8, Kim and Cann et al. disclose the second isolation unit incorporates a compressible material to reduce vibration (80) (See Figure 2 and Col. 2, lines 60-61 and Col. 3, lines 54-60 of Kim) (25) (See Figures 1, 4-5 and Col. 1, lines 64-68 and Col. 2, lines 3-27 of Cann et al.). Regarding claim 9, Kim and Cann et al. disclose the compressible material being rubber.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Kim (U.S. Patent Number 5,213,595) or Cann et al. (U.S. Patent Number 3,803,690) in view of Piper (U.S. Patent Number 3,923,537). The Kim and Cann et al. devices in the rejection of claim 1 above, discloses all the claimed elements except (Regarding claim 4) the first isolation unit being spring loaded and the (Regarding claim 7) the second isolation unit being spring loaded. However, Piper (U.S. Patent Number 3,923,537) (80) (see Figure 2 and Col. 5, line 7 of Piper) discloses the first and second isolation units being springs. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify the Kim

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and Cann et al. devices by springs as taught by Piper, for the purpose of having a vibration means as claimed by Applicant's claimed invention.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PRIOR ART

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 7 patents.

Bloom et al. (U.S. Patent Number 6,394,794) is cited to show similar upper housing features as claimed by Applicant's invention.

Miller et al. (U.S. Patent Number 4,330,899) is cited to show similar upper housing features as claimed by Applicant's invention.

Wentz (U.S. Patent Number 5,567,127) is cited to show similar upper housing features as claimed by Applicant's invention.

Schoenberger et al. (U.S. Patent Number 5,399,319) is cited to show similar upper housing features as claimed by Applicant's invention.

Berfield (U.S. Patent Number 4,512,713) is cited to show similar upper housing features as claimed by Applicant's invention.

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Ranz (U.S. Patent Number 3,775,029) is cited to show similar upper housing features as claimed by Applicant's invention.

Piper (U.S. Patent Number 3,926,537) is cited to show similar upper housing features as claimed by Applicant's invention.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M McAleenan whose telephone number is 703-308-2827. The examiner can normally be reached on M-F 8:30-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on 703-308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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703-308-2827

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9/25/04

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